

Attorney Docket No.: 006001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Russell A. Houser et al. Art Unit : 3711
Serial No. : 10/050,944 Examiner : Raleigh W. Chiu
Filed : January 22, 2002
Title : Athletic Devices and Other Devices with Superelastic Components

Commissioner for Patents
Washington, D.C. 20231

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT WITH PETITION FOR A TWO
MONTH EXTENSION OF TIME**

In the Election of Species Requirement dated October 2, 2003, the Office Action states that the claims are directed to the following patentably distinct species: Figs. 3a-3c, Fig. 3e, Fig. 3f, Fig. 3g, Fig. 3h, Fig. 3i-3k, Fig. 3l, Figs. 3m-3n, and Fig. 3o. The Office Action requires the Applicants to elect a species for prosecution on the merits and state which claims are readable upon the species elected. Accordingly, applicants elect the species of Figs. 3m-3n for prosecution on the merits. Claims 13, 15-21, 25, 30, 35, and 36 are readable upon the species embodied in Figs. 3m-3n.

Applicants request a two month extension of time under 37 CFR 1.136 through and including January 2, 2004 to reply to the Election of Species Requirement. Applicants note that the USPTO was closed on January 2, 2004 and that Monday, January 5, 2004, was the first business day following January 2, 2004. As such, a two month extension of time is proper. The USPTO is authorized to charge deposit account 502923 for the \$210 two month extension of time fee for a small entity.

Applicant asks that all claims be allowed. If there are any additional fees or credits due, the USPTO is authorized to charge or credit deposit account 502923 accordingly. Please contact the undersigned if there are any questions about this response.

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PAGE 2/3 * RCV'D AT 1/5/2004 6:41:29 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/0 * DNI5:8729302 * CSID:8095149779 * DURATION (mm:ss):01:14

Applicant : RUSSELL A. HOUSER et al.
Serial No. : 10/050,944
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Client's Reference No: 006001

Respectfully submitted,

Date: January 5, 2004

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CERTIFICATE OF FACSIMILE

I hereby certify under 37 CFR §1.8(a) that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on the date indicated below and I have a reasonable basis to expect that the correspondence will be transmitted on or before the date indicated.

January 5, 2004

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TOTAL NO. OF PAGES INCL. COVER: 3		
<p>Application No.: 10/050,944 Filing Date: January 22, 2002 First Named Inventor: Russell A. Houser Attorney Docket No.: 006001 Examiner: Raleigh W. Chiu</p>		

OFFICIAL

Please find enclosed:

(1) Response to Election of Species Requirement with request for a two month extension of time and authorization to charge the deposit account.

Please contact the undersigned at (609) 240-2533 if there are any questions.

Respectfully submitted,


 William D. Hare
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